



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117 · (Fax) 479-936-5401

www.rogersar.gov

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: November 21, 2019

The following committee meetings will be held on **Tuesday, November 26, 2019** prior to the City Council Meeting:

5:45 p.m. – PUBLIC WORKS COMMITTEE: (Townzen, Kendall, and Brashear) **Committee Room #1**

- To Discuss:
- (a) An Ordinance Amending Section 54-108 And Section 54-109 Of The Code Of Ordinances Of The City Of Rogers, Arkansas; Establishing A New Water Rate Schedule
 - (b) An Ordinance Amending Section 54-205 And Section 54-206 Of The Code Of Ordinances Of The City Of Rogers, Arkansas; Establishing A New Sewer Rate Schedule
 - (c) Monthly report from RWU

5:45 p.m. – PUBLIC SAFETY COMMITTEE: (Wolf, Kruger and Carmichael) **Committee Room #2**

- To Discuss:
- (a) An Ordinance Waiving Competitive Bidding For The Purchase Of A Patrol Vehicle From Superior Chevrolet Of Siloam Springs, Arkansas, For The Rogers Police Department; Allowing The Mayor And City Clerk To Enter Into A Contract For Said Purchase

6:00 p.m. – FINANCE COMMITTEE: (Reithemeyer, Wolf, and Kendall) **Committee Room #1**

- To Discuss:
- (a) A Resolution Authorizing The Mayor And City Clerk To Accept A 2019 Community Development Block Grant In The Amount Of \$459,462.00; Appropriating The Grant Revenue And Expenditures To Various Accounts
 - (b) A Resolution Amending The 2019 Budget To Recognize An Insurance Reimbursement In The Amount Of Eighteen Thousand Three Hundred Dollars (\$18,300.00) Into Account #100-01-49195 Insurance Reimbursement; Appropriating Forty-Four Thousand Dollars (\$44,000.00) Into Account #100-03-80100 Capital Expenditures; And For Other Purposes

6:00 p.m. – COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Carmichael, Townzen, and Hayes) **Committee Room #2**

- (a) Rezone from C-2 to RMF-12, 410 N. 13th Street, (Jeremy Avance) – represented by Ferdi Fourie
- (b) Rezone from RSF-5 to N-R, with A Density Concept Plan, 1800 S. Monte Ne Road, (D&C Holdings) – represented by Bill Watkins

6:15 p.m. – TRANSPORTATION COMMITTEE: (Kruger, Townzen and Carmichael) **Committee Room #1**

- To Discuss:
- (a) A Resolution Amending The 2019 Budget; Establishing Capital Project Account #315-15-81138 - Construct Taxiway; Appropriating The Sum Of \$226,210.00 From Airport Fund Reserves Into Account #315-15-81138; Authorizing The Mayor And City Clerk To Enter Into A Contract Amendment With Garver, LLC, Of North Little Rock

6:15 p.m. – RESOURCES & POLICY COMMITTEE: (Hayes, Reithemeyer and Brashear) **Committee Room #2**

- (a) A Resolution Amending Resolution No. R19-92 To Add Affidavits Certifying Property As Obsolete; Certifying The Oversight Of The Disposal
- (b) A Resolution Authorizing Certain City Departments To Dispose Of Property In The Landfill; Recognizing That The Property Is Rendered Worthless; Acknowledging The Oversight For Disposal



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ROGERS CITY COUNCIL

AGENDA

NOVEMBER 26, 2019

6:30 P.M.

PUBLIC HEARING: Proposed Sewer Rate Increase

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES: November 12, 2019

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. ORD. Re: Amending Section 54-108 And Section 54-109 Of The Code Of Ordinances Of The City Of Rogers, Arkansas; Establishing A New Water Rate Schedule - Public Works Committee
2. ORD. Re: Amending Section 54-205 And Section 54-206 Of The Code Of Ordinances Of The City Of Rogers, Arkansas; Establishing A New Sewer Rate Schedule - Public Works Committee
3. RES. Re: Authorizing The Mayor And City Clerk To Accept A 2019 Community Development Block Grant In The Amount Of \$459,462.00; Appropriating The Grant Revenue And Expenditures To Various Accounts - Finance Committee
4. RES Re: Amending The 2019 Budget To Recognize An Insurance Reimbursement In The Amount Of Eighteen Thousand Three Hundred Dollars (\$18,300.00) Into Account #100-01-49195 Insurance Reimbursement; Appropriating Forty-Four Thousand Dollars (\$44,000.00) Into Account #100-03-80100 Capital Expenditures; And For Other Purposes -Finance Committee

ROGERS CITY COUNCIL AGENDA

NOVEMBER 26, 2019

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| 5. ORD. Re: | Waiving Competitive Bidding For The Purchase Of A Patrol Vehicle From Superior Chevrolet Of Siloam Springs, Arkansas, For The Rogers Police Department; Allowing The Mayor And City Clerk To Enter Into A Contract For Said Purchase | - Public Safety Committee |
| 6. RES. Re: | Amending The 2019 Budget; Establishing Capital Project Account #315-15-81138 - Construct Taxiway; Appropriating The Sum Of \$226,210.00 From Airport Fund Reserves Into Account #315-15-81138; Authorizing The Mayor And City Clerk To Enter Into A Contract Amendment With Garver, LLC, Of North Little Rock | - Transportation Committee |
| 7. RES. Re: | Amending Resolution No. R19-92 To Add Affidavits Certifying Property As Obsolete; Certifying The Oversight Of The Disposal | - Resources and Policy Committee |
| 8. RES. Re: | Authorizing Certain City Departments To Dispose Of Property In The Landfill; Recognizing That The Property Is Rendered Worthless; Acknowledging The Oversight For Disposal | - Resources and Policy Committee |
| 9. ORD. Re: | Rezone from C-2 to RMF-12, 410 N. 13th Street (Jeremy Avance)- Represented by Ferdi Fourie | - Community Environment & Welfare Committee |
| 10. ORD. Re: | Rezone from RSF-5 to N-R, with A Density Concept Plan, 1800 S. Monte Ne Road (D&C Holdings)- Represented by Bill Watkins | - Community Environment & Welfare Committee |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

AN ORDINANCE AMENDING SECTION 54-108 AND SECTION 54-109 OF THE CODE OF ORDINANCES OF THE CITY OF ROGERS, ARKANSAS; ESTABLISHING A NEW WATER RATE SCHEDULE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Waterworks and Sewer Commission has been empowered by the Rogers City Council to oversee efficient operation of the Rogers Water Utilities; and

WHEREAS, the Rogers Water Utilities has commissioned a rate study for the Rogers Water Department;

WHEREAS, the rate study indicates that certain water rates need to be adjusted to keep up with rising costs for wholesale water, maintenance of the water system, and other expenses, and to maintain the Rogers Water Department on a sound fiscal footing;

WHEREAS, the management of the Rogers Water Utilities has prepared a new proposed water rate schedule as shown on the attached Exhibit 1;

WHEREAS, the Rogers Waterworks and Sewer Commission has passed its Resolution No. 19-21, recommending adoption of a new water rate schedule presented by the management of the Rogers Water Utilities; and

WHEREAS, having duly considered the matter, the Rogers City Council believes adopting a new water rate schedule comports with sound fiscal management of the Rogers Water Department and is in accordance with the best interests of the Rogers Water Utilities and its customers, and the best interests of the City of Rogers.

NOW THEREFORE, BE IT ORDAINED BY THE ROGERS WATERWORKS AND SEWER COMMISSION OF THE CITY OF ROGERS, ARKANSAS:

Section 1: The Rogers City Council hereby finds and declares that the water rates shown on the attached Exhibit 1 are fair, reasonable and necessary minimum rates and will produce revenues in each year at least sufficient to provide the estimated cost of operating and maintaining the water system, to pay the principal of and interest on all revenue bonds and any revenue promissory notes as they severally mature; to make such payments into a revenue bond sinking fund as may be required by ordinance or trust indenture, and to provide an adequate depreciation fund.

Section 2: Section 54-108 and Section 54-109 of the Code of Ordinances of the City of Rogers, Arkansas are hereby amended to read as shown on the attached Exhibit 1, which is attached hereto and incorporated herein by reference as if set out word for word herein.

Section 3 - Emergency Clause: The need to amend the water rate schedule is immediate and in order to protect the public peace, health, safety and welfare an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect on January 1, 2020.

Section 4 - Severability Provision: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 5 - Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____th day of November 2019.

APPROVED:

C. GREG HINES,
Mayor

Attest:

JENNIFER MOORE, Records Administrator

Requested By: Rogers Waterworks and Sewer Commission and the Rogers Water Utilities

Prepared By: Robert A. Frazier, Counsel for Rogers Waterworks and Sewer Commission and the Rogers Water Utilities

Reviewed By: Bonnie J. Bridges, Staff Attorney

For Consideration By: Public Works Committee

Sec. 54-108. Schedule of rates—Inside city.

(a) The city council hereby finds and declares the rates in the following tables and other rates shown below to be reasonable and necessary minimum rates to be charged for customers inside city limits. The rates are effective for all bills issued on or after the effective dates shown below until the next effective date. For example, for bills issued on or after January 1, 2020, the rates shown in the column labeled “January 1, 2020” apply until July 1, 2021. On July 1, 2021, the rates shown in the column labeled “July 1, 2021” apply until July 1, 2022, and so on.

(1) *Monthly water rates for customers inside city limits:*

<i>Effective Date</i>	January 1, 2020	July 1, 2021	July 1, 2022	July 1, 2023	July 1, 2024	July 1, 2025
a. First 1,500 gallons or portion thereof, minimum	\$7.75	\$8.72	\$9.81	\$10.20	\$10.61	\$11.03
b. Next 98,500 gallons or portion thereof, per 1,000 gallons	\$3.36	\$3.78	\$4.26	\$4.43	\$4.60	\$4.78
c. Next 400,000 gallons or portion thereof, per 1,000 gallons	\$2.98	\$3.35	\$3.77	\$3.92	\$4.08	\$4.24
d. Next 500,000 gallons or portion thereof, per 1,000 gallons	\$2.71	\$3.05	\$3.43	\$3.57	\$3.71	\$3.86
e. More than 1,000,000 gallons or portion thereof, per 1,000 gallons	\$2.53	\$2.85	\$3.20	\$3.33	\$3.47	\$3.61

Beginning July 1, 2026, all monthly water rates shall be increased by 3% per year.

(2) *Monthly Meter Minimum*

a.	1-inch meter	\$9.90
b.	1 ½-inch meter	\$16.84
c.	2- inch meter	\$28.23
d.	3- inch meter	\$48.52
e.	4- inch meter	\$108.88
f.	6- inch meter	\$161.82

(3) *Fire Lines:* \$20.00 per month flat fee per fire line (unmetered water)

(4) *Private Fire Hydrant:* \$5.00 per month flat fee per hydrant

(b) The above noted rates do not include gross receipts taxes or other assessments or taxes.

*State Law Reference: Ark. Code. Ann. § 14-234-214.

Sec. 54-109. Schedule of rates—Outside city.

(a) The city council hereby finds and declares the rates in the following tables and other rates shown below to be reasonable and necessary minimum rates to be charged for customers outside city limits. The rates are effective for all bills issued on or after the effective dates shown below until the next effective date. For example, for bills issued on or after January 1, 2020, the rates shown in the column labeled “January 1, 2020” apply until July 1, 2021. On July 1, 2021, the rates shown in the column labeled “July 1, 2021” apply until July 1, 2022, and so on.

(1) *Monthly water rates for customers outside city limits:*

<i>Effective Date</i>	January 1, 2020	July 1, 2021	July 1, 2022	July 1, 2023	July 1, 2024	July 1, 2025
a. First 1,500 gallons or portion thereof, minimum	\$9.92	\$11.16	\$12.56	\$13.06	\$13.58	\$14.12
b. Next 98,500 gallons or portion thereof, per 1,000 gallons	\$4.29	\$4.82	\$5.42	\$5.64	\$5.87	\$6.10
c. Next 400,000 gallons or portion thereof, per 1,000 gallons	\$3.80	\$4.28	\$4.81	\$5.01	\$5.21	\$5.42
d. Next 500,000 gallons or portion thereof, per 1,000 gallons	\$3.45	\$3.89	\$4.37	\$4.55	\$4.73	\$4.92
e. More than 1,000,000 gallons or portion thereof, per 1,000 gallons	\$3.24	\$3.65	\$4.10	\$4.26	\$4.44	\$4.62

Beginning July 1, 2026, all monthly water rates shall be increased by 3% per year.

(2) *Monthly Meter Minimum*

a.	1-inch meter	\$12.58
b.	1 ½-inch meter	\$21.29
c.	2- inch meter	\$35.80
d.	3- inch meter	\$63.36
e.	4- inch meter	\$140.04
f.	6- inch meter	\$209.63

(3) *Fire Lines:* \$20.00 per month flat fee per fire line (unmetered water)

(4) *Private Fire Hydrant:* \$5.00 per month flat fee per hydrant

(b) The above noted rates do not include gross receipts taxes or other assessments or taxes.

*State Law Reference: Ark. Code. Ann. § 14-234-214.

AN ORDINANCE AMENDING SECTION 54-205 AND SECTION 54-206 OF THE CODE OF ORDINANCES OF THE CITY OF ROGERS, ARKANSAS; ESTABLISHING A NEW SEWER RATE SCHEDULE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Waterworks and Sewer Commission has been empowered by the Rogers City Council to oversee efficient operation of the Rogers Water Utilities;

WHEREAS, the Rogers Water Utilities has commissioned a rate study for the Rogers Sewer Department;

WHEREAS, the rate study indicates that certain sewer rates need to be adjusted to keep up with rising costs of operating and maintaining the sewer system, and other expenses, and to maintain the Rogers Sewer Department on a sound fiscal footing;

WHEREAS, the management of the Rogers Water Utilities has prepared a new proposed sewer rate schedule as shown on the attached Exhibit 1;

WHEREAS, the Rogers Waterworks and Sewer Commission has passed its Resolution No. 19-22, recommending adoption of a new sewer rate schedule presented by the management of the Rogers Water Utilities; and

WHEREAS, having duly considered the matter, the Rogers City Council believes adopting a new sewer rate schedule comports with sound fiscal management of the Rogers Sewer Department and is in accordance with the best interests of the Rogers Water Utilities and its customers, and the best interests of the City of Rogers.

NOW THEREFORE, BE IT ORDAINED BY THE ROGERS WATERWORKS AND SEWER COMMISSION OF THE CITY OF ROGERS, ARKANSAS:

Section 1: The Rogers City Council hereby finds and declares that the sewer rates shown on the attached Exhibit 1 are just, equitable, fair, reasonable and necessary minimum rates and charges, and will produce revenues in each year at least sufficient for the payment of the proper and reasonable expenses of operation, repair, replacements, and maintenance of the sewer system and for the payment of the sums required to be paid into the sinking fund, including the interest upon the bonds as interest shall fall due; the necessary fiscal agency charges for paying bonds and interest; the payment of bonds as they fall due, or if all bonds mature at one time, the proper maintenance of a sinking fund sufficient for the payment of them at such time; a margin for safety and for the payment of premiums upon bonds retired by call or purchase; establishing and maintaining reserves sufficient for operation, repair, and maintenance of the sewer system for an ensuing period of not less than twelve months and for depreciation; and to further fund certain extensions, betterments, and additions to the sewer system, all as required or permitted by Ark. Code. Ann. § 14-235-221 and Ark. Code. Ann. § 14-235-223.

Section 2: Section 54-205 and Section 54-206 of the Code of Ordinances of the City of Rogers, Arkansas are hereby amended to read as shown on the attached Exhibit 1, which is attached hereto and incorporated herein by reference as if set out word for word herein.

Section 3 - Emergency Clause: The need to amend the sewer rate schedule is immediate and in order to protect the public peace, health, safety and welfare an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect on January 1, 2020.

Section 4 - Severability Provision: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the

same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 5 - Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of November, 2019.

APPROVED:

C. GREG HINES,
Mayor

Attest:

JENNIFER MOORE, Records Administrator

Requested By: Rogers Waterworks and Sewer Commission and the Rogers Water Utilities

Prepared By: Robert A. Frazier, Counsel for Rogers Waterworks and Sewer Commission and the Rogers Water Utilities

Reviewed By: Bonnie J. Bridges, Staff Attorney

For Consideration By: Public Works Committee

EXHIBIT 1. TO ORDINANCE NO. 19-___

Sec. 54-205. Schedule of rates

(a) Schedule of sewer rates. The following schedule of sewer rates shall be applied to the water consumption of users as set forth in this article. The charges to each customer for sewage collection and treatment shall be determined each month and shall be the sum of a service charge and a usage charge based on the customer's metered water usage determined as set forth in this division and computed using the following schedule of rates. In addition to the monthly service charge, each customer will be billed for sewage treatment works usage based on the customer's water usage as set forth in this division, and the user charge shall be computed using the schedule of rates below. The rates are effective for all bills issued on or after the effective dates shown below until the next effective date. For example, for bills issued on or after January 1, 2020, the rates shown in the column labeled "January 1, 2020" apply until July 1, 2021. On July 1, 2021, the rates shown in the column labeled "July 1, 2021" apply until July 1, 2022, and so on.

(1) *Inside City; monthly sewer rates for customers inside the City of Rogers:*

<i>Effective Date</i>	January 1, 2020	July 1, 2021	July 1, 2022	July 1, 2023	July 1, 2024	July 1, 2025
Service charge	\$12.43	\$13.92	\$15.18	\$15.63	\$16.10	\$16.58
For the first 100,000 gallons of water consumption per month or portion thereof, per 1,000 gallons	\$4.32	\$4.84	\$5.28	\$5.44	\$5.60	\$5.77
All water consumption over 100,000 gallons per month or portion thereof, per 1,000 gallons	\$4.27	\$4.78	\$5.21	\$5.37	\$5.53	\$5.70

(2) *Outside City; monthly sewer rates for customers outside the City of Rogers:*

<i>Effective Date</i>	January 1, 2020	July 1, 2021	July 1, 2022	July 1, 2023	July 1, 2024	July 1, 2025
Service charge	\$16.24	\$18.19	\$19.83	\$20.42	\$21.03	\$21.66
All water consumption per month, per 1,000 gallons:	\$5.63	\$6.31	\$6.88	\$7.08	\$7.30	\$7.52

(3) *Inside the City of Lowell in the City of Rogers service area, monthly sewer rates*

<i>Effective Date</i>	January 1, 2020	July 1, 2021	July 1, 2022	July 1, 2023	July 1, 2024	July 1, 2025
Service charge	\$14.91	\$16.70	\$18.21	\$18.75	\$19.32	\$19.89
For the first 100,000 gallons of water consumption per month or portion thereof, per 1,000 gallons	\$5.18	\$5.80	\$6.33	\$6.52	\$6.72	\$6.92
All water consumption over 100,000 gallons per month or	\$5.12	\$5.73	\$6.25	\$6.44	\$6.63	\$6.83

portion thereof, per 1,000 gallons						
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Beginning July 1, 2026, all monthly sewer rates shall be increased by 3% per year.

(b) The maximum user charge to a residential customer whose residential unit is metered separately shall be limited to that user charge for 16,000 gallons of water consumption per month.

*State Law Reference: Ark. Code. Ann. § 14-235-223.

Sec. 54-206. Sewer Surcharges

(a) Users generating sewage of unusually high strength may discharge such sewage into the system only if:

(1) The City, through the Rogers Water Utilities, has agreed to treat the waste as specified in the wastewater discharge permit issued to the user;

(2) The waste will not cause damage to the collection system;

(3) The waste will not impair the wastewater treatment processes; and

(4) The user discharging such waste pays a monthly surcharge to the Rogers Water Utilities in addition to monthly sewer user charges. Computation of such surcharges shall be based on the following formula:

$$S = V_w \times 8.34 [y(SS-200) + z(CBOD-200) + a(NH_3-15) + p(TP-4)]$$

Where:		
S	=	Surcharge in dollars
V _w	=	Volume of wastewater in 1,000,000 gallons
8.34	=	Weight of a gallon of water in pounds
SS	=	Suspended solids concentration of wastewater in milligrams per liter
CBOD	=	Five-day biochemical oxygen demand concentration of wastewater in milligrams per liter
y	=	Unit charge for suspended solids in dollars per pound
200	=	Normal suspended solids and BOD concentration in milligrams per liter
z	=	Unit suspended solids and BOD in dollars per pound
NH ₃	=	Ammonia NH ₃ concentration in mg/L
15	=	Typical household concentration of NH ₃ in mg/L
TP	=	Total Phosphorus concentration of NH ₃ in mg/L

4	=	Typical household concentration of TP in mg/L
a	=	Ammonia surcharge in dollars per pound
p	=	Total Phosphorus in dollars per pound

(b) Surcharges may be determined daily, weekly, or monthly, or other such periods as deemed appropriate by the Superintendent of the Rogers Water Utilities. Surcharge bills shall be the sum of the surcharges determined during the billing period.

(c) Effective January 1, 2020, the unit charge rate for suspended solids (y) shall be at the following rates per pound:

Suspended solids (dollars per lb.)	\$.14
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(d) Effective January 1, 2020, the unit charge rate for CBOD (z) shall be at the following rates per pound:

CBOD (dollars per lb.)	\$.13
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(e) Effective January 1, 2020, the unit charge rate for Ammonia (NH₃) shall be at the following rates per pound:

Ammonia NH ₃ (dollars per lb.)	\$.70
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(f) Effective January 1, 2020, the unit charge rate for Total Phosphorus (TP) shall be at the following rates per pound:

Total Phosphorus TP (dollars per lb.)	\$5.08
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(g) The unit charge for oil and grease shall not exceed that of suspended solids as determined by the Superintendent of the Rogers Water Utilities and approved by the Rogers Waterworks and Sewer Commission.

*State Law Reference: Ark. Code. Ann. § 14-235-223.

RESOLUTION NO. R-19_____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO ACCEPT A 2019 COMMUNITY DEVELOPMENT BLOCK GRANT
IN THE AMOUNT OF FOUR HUNDRED FIFTY-NINE THOUSAND FOUR HUNDRED SIXTY-
TWO DOLLARS (\$459,462.00); APPROPRIATING THE GRANT REVENUE AND
EXPENDITURES TO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.**

WHEREAS, acceptance of this grant allows the City of Rogers to continue its work in these areas of public benefit for the 2020 calendar year.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1. That the Mayor and City Clerk are hereby authorized to accept a 2019 Community Development Block Grant from the U. S. Department of Housing and Urban Development in the amount of four hundred fifty-nine thousand four hundred sixty-two dollars (\$459,462.00). Said amount shall be appropriated into the following accounts:

Revenue Account #:

342-42-45800	Program Funding	\$459,462.00
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Expenditures Account #:

342-42-61135	Salaries	\$ 38,202.00
342-42-70296	Public Service Projects	64,360.00
342-42-70970	Housing Projects	171,010.00
342-42-79010	Public Construction Projects	185,890.00

Total	\$459,462.00
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Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Resolutions: All Resolutions or orders of the City Council, or parts of Resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2019.

C. GREG HINES, Mayor

ATTEST:

JENNIFER MOORE, Records Administrator

Requested by: Casey Wilhelm, Director of Finance
Prepared by: Bonnie J. Bridges, Staff Attorney
For Consideration by: Finance Committee

RESOLUTION NO. R-19-_____

A RESOLUTION AMENDING THE 2019 BUDGET TO RECOGNIZE AN INSURANCE REIMBURSEMENT IN THE AMOUNT OF EIGHTEEN THOUSAND THREE HUNDRED DOLLARS (\$18,300.00) INTO ACCOUNT #100-01-49195 INSURANCE REIMBURSEMENT; APPROPRIATING FORTY-FOUR THOUSAND DOLLARS (\$44,000.00) INTO ACCOUNT #100-03-80100 CAPITAL EXPENDITURES; AND FOR OTHER PURPOSES.

WHEREAS, a patrol vehicle belonging to the Rogers Police Department was damaged by the recent severe storms that swept through the City;

WHEREAS, the amount of damage exceeds the value of the vehicle, it is deemed “totaled” by the insurance carrier, and the vehicle needs to be replaced;

WHEREAS, the Rogers Police Department intends to purchase the replacement patrol vehicle from Superior Automotive Group of Siloam Springs, Arkansas in order to ensure continuity with the rest of the fleet; and

WHEREAS, the Rogers Police Department has received an insurance reimbursement to pay for a portion of the cost and the remainder will be paid for from the General Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: That the 2019 budget is amended to recognize an insurance reimbursement in the amount of eighteen thousand three hundred dollars (\$18,300.00) into Account #100-01-49195 Insurance Reimbursement;

Section 2: That the 2019 budget is further amended to appropriate forty-four thousand dollars (\$44,000.00) to Account #100-03-80100 Capital Expenditures;

Section 3 - Severability Provision: If any part of this Resolution is held to be invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Resolutions: All Resolutions of the City Council, or parts of Resolutions of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

RESOLVED this _____ day of _____, **2019**.

APPROVED:

C. GREG HINES, Mayor

Attest:

JENNIFER MOORE, Records Administrator
Requested by: Hayes Minor, Chief of Police
Prepared by: Bonnie Bridges, Staff Attorney
For Consideration by: Finance Committee

ORDINANCE NO. 19-_____

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF A PATROL VEHICLE FROM SUPERIOR CHEVROLET OF SILOAM SPRINGS, ARKANSAS, FOR THE ROGERS POLICE DEPARTMENT; ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT FOR SAID PURCHASE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Police Department needs to replace a patrol vehicle that was damaged as a result of the recent severe weather;

WHEREAS, this purchase will be funded with the insurance reimbursement and General Fund monies; and

WHEREAS, Superior Chevrolet of Siloam Springs, Arkansas, can provide a vehicle with the specifications necessary to law enforcement, and has agreed to give the City of Rogers the pricing set by the State of Arkansas procurement guidelines for state purchases.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: That the Mayor and City Clerk are authorized to enter into a contract with Superior Chevrolet of Siloam Springs, Arkansas, in the amount of forty-four thousand dollars and (\$44,000.00), for the purchase of a replacement patrol vehicle for the Rogers Police Department;

Section 2: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of the police patrol vehicle for use by the Rogers Police Department;

Section 3 - Emergency Clause: The need to acquire the patrol vehicle for the Rogers Police Department is immediate and in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;

Section 4 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5 - Repeal of Conflicting Provisions: All Ordinances, Resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, **2019.**

APPROVED:

C. GREG HINES, Mayor

Attest:

JENNIFER MOORE, Records Administrator
Requested by: Hayes Minor, Chief of Police
Prepared by: Bonnie J. Bridges, Staff Attorney
For Consideration by: Public Safety Committee

RESOLUTION NO. R-19-_____

A RESOLUTION AMENDING THE 2019 BUDGET; ESTABLISHING CAPITAL PROJECT ACCOUNT #315-15-81138 - CONSTRUCT TAXIWAY; APPROPRIATING THE SUM OF TWO HUNDRED TWENTY-SIX THOUSAND TWO HUNDRED TEN DOLLARS (\$226,210.00) FROM AIRPORT FUND RESERVES INTO ACCOUNT #315-15-81138; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT AMENDMENT WITH GARVER, LLC, OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, a need exists to construct an aircraft taxiway at the Rogers Executive Airport;

WHEREAS, Garver, LLC, of North Little Rock, AR is the appropriate party to perform design and bid phase services for this project; and

WHEREAS, the cost of services contained in the contract amendment shall not exceed two hundred sixteen thousand two hundred ten dollars (\$216,210.00).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: That the sum of two hundred twenty-six thousand two hundred ten dollars (\$226,210.00) is hereby appropriated from Airport Fund Reserves into account #315-15-81138, Construct Taxiway;

Section 2: That the Mayor and City Clerk are authorized to enter into a contract amendment with Garver, LLC, for design and bid phase services associated with the construction of an aircraft taxiway and related improvements at the Rogers Executive Airport in the amount not to exceed two hundred sixteen thousand two hundred ten dollars (\$216,210.00), plus applicable taxes, if any;

Section 3: That execution of said contract amendments with Garver, LLC shall be contingent upon the approval of the Federal Aviation Administration, as may be required;

Section 4 - Severability Provision: If any part of this Resolution is held to be invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 5 - Repeal of Conflicting Resolutions: All resolutions of the City Council, or parts of resolutions of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES,
Mayor

Attest:

JENNIFER MOORE, Records Administrator
Requested by: David Krutsch, Airport Manager
Prepared by: Bonnie J. Bridges, Staff Attorney
For Consideration by: Transportation Committee

RESOLUTION NO. R-19_____

**A RESOLUTION AMENDING RESOLUTION NO. R19-92 TO ADD AFFIDAVITS
CERTIFYING PROPERTY AS OBSOLETE; CERTIFYING THE OVERSIGHT OF THE
DISPOSAL; AND FOR OTHER PURPOSES.**

WHEREAS, the City Council of the City of Rogers approved Resolution No. R19-92, as it appeared on the agenda, at its meeting on November 12, 2019;

WHEREAS, in doing so, the City Council affirmed that the referenced items in Exhibit “A” to that resolution were obsolete and no longer use by the City;

WHEREAS, the affidavits, signed by the appropriate City employees, attesting that the property was obsolete and no longer used by the City were mistakenly not attached to the Resolution for Council review; and

WHEREAS, this Resolution seeks correct that mistake by amending Resolution No. R19-92 to include the three attachments to this Resolution which will be labeled as **Exhibits “B”, “C”, and “D”** for clarification purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: Resolution No. R19-92 shall be amended to include **Exhibits “B”, “C”, and “D”** that are attached to this Resolution for reference;

Section 2: The City Departments may now dispose of the items identified in Resolution No. R19-92 as previously approved;

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES,
Mayor

Attest:

JENNIFER MOORE, Records Administrator
Prepared By: Bonnie J. Bridges, Staff Attorney
Requested By: Bonnie J. Bridges, Staff Attorney
For Consideration by: Resources and Policy Committee

**AFFIDAVIT OF LANDFILL DISPOSAL OF PROPERTY OF ROGERS CITY HALL
WHICH HAVE BEEN DEEMED OBSOLETE**

I, David Hook, Facilities Development Manager, do hereby certify that the following property of the City of Rogers has been used to its full capacity, is no longer of value, and it is now appropriate to dispose of said property in a landfill as specified under Ark. Code Ann. § 14-54-302(e)(2)(A). The Facilities Manager hereby certifies that he will be responsible for overseeing that the property is removed for disposal. The records listed below contain a description of the property to be disposed of by landfill.

TYPE OF PROPERTY

15 CHAIRS & 2 DESKS

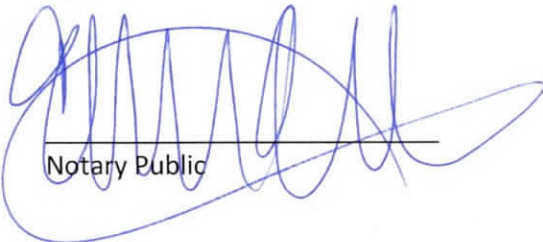
VIN OR SERIAL NUMBER

NONE



David Hook

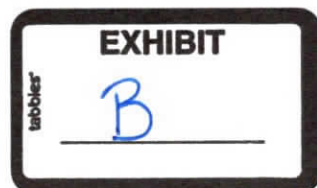
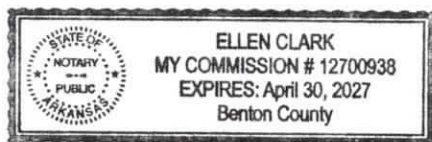
Date: 11/20/19



Notary Public

Date: 11-20-19

Commission Expires: 4-30-27



**AFFIDAVIT OF LANDFILL DISPOSAL OF PROPERTY OF ROGERS ADULT
WELLNESS CENTER WHICH HAVE BEEN DEEMED OBSOLETE**

I, Lesli Ossenfort, Director of the Rogers Adult Wellness Center, do hereby certify that the following property of the Rogers Adult Wellness Center has been used to its full capacity, is no longer of value, and it is now appropriate to dispose of said property in a landfill as specified under Ark. Code Ann. § 14-54-302(e)(2)(A). The Director hereby certifies that she will be responsible for overseeing that the property is removed for disposal. The records listed below contain a description of the property to be disposed of by landfill.

TYPE OF PROPERTY

VIN OR SERIAL NUMBER

PRECOR ELLIPTICAL MACHINE

AA32I29050014

PRECOR ELLIPTICAL MACHINE

AA32H31050016

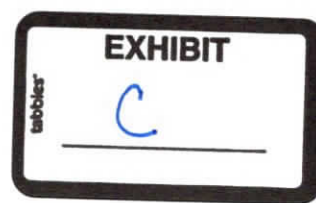
Lesli Ossenfort
Lesli Ossenfort

Date: 11/20/19

[Signature]
Notary Public

Date: 11-20-19

Commission Expires: 4-30-27



**AFFIDAVIT OF LANDFILL DISPOSAL OF PROPERTY OF ROGERS CITY LIBRARY
WHICH HAVE BEEN DEEMED OBSOLETE**

I, Judy Casey, Library Director, do hereby certify that the following property of the City of Rogers Library has been used to its full capacity, is no longer of value, and it is now appropriate to dispose of said property in a landfill as specified under Ark. Code Ann. § 14-54-302(e)(2)(A). The Director hereby certifies that she will be responsible for overseeing that the property is removed for disposal. The records listed below contain a description of the property to be disposed of by landfill.

TYPE OF PROPERTY

VIN OR SERIAL NUMBER

144 METAL CHAIRS

NONE

8 CHAIR CARTS

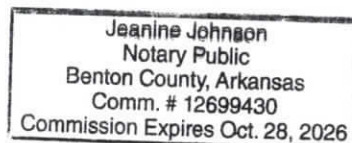
NONE

Judy Casey
Judy Casey

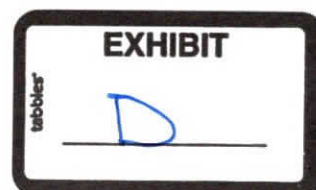
Date: 11/20/2019

Jeanine Johnson
Notary Public

Date: November 20, 2019



Commission Expires: October 28, 2026



RESOLUTION NO. R-19_____

**A RESOLUTION AUTHORIZING CERTAIN CITY DEPARTMENTS TO DISPOSE OF
PROPERTY IN THE LANDFILL; RECOGNIZING THAT THE PROPERTY IS RENDERED
WORTHLESS; ACKNOWLEDGING THE OVERSIGHT FOR DISPOSAL; AND FOR
OTHER PURPOSES.**

WHEREAS, the Director of the Rogers Public Library has certified that the items listed in the attached as **Exhibit “A”** have been rendered worthless by damaged or prolonged use; and

WHEREAS, the Director of the Rogers Public Library additionally certifies that disposal of said property in the landfill is proper and will be overseen to ensure compliance with Ark. Code Ann. § 14-54-302(e)(2)(A);

WHEREAS, the City Council of the City of Rogers approves the Director’s affidavit of certification attached as **Exhibit “A”** and deems that disposal in the landfill is appropriate;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The City Departments may dispose of their items identified in **Exhibit “A”** in the landfill used by the City pursuant to Ark. Code Ann. §14-54-(e)(2)(A);

Section 2: The City Departments shall maintain a record of all items that are sent to the landfill under this Resolution;

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2019.

APPROVED:

C. GREG HINES,
Mayor

Attest:

JENNIFER MOORE, Records Administrator
Prepared By: Bonnie J. Bridges, Staff Attorney
Requested By: Judy Casey, Rogers Public Library Director
For Consideration by: Resources and Policy Committee

EXHIBIT "A"

**AFFIDAVIT OF LANDFILL DISPOSAL OF CERTAIN PROPERTY OF THE ROGERS
PUBLIC LIBRARY WHICH HAS BEEN DEEMED OBSOLETE**

I, Judy Casey, Director of the Rogers Public Library, do hereby certify that the following property of the Rogers Public Library has been rendered worthless by damage or prolonged use, is no longer of value, and it is now appropriate to dispose of said property in a landfill as specified under Ark. Code Ann. § 14-54-302(e)(2)(A). I hereby certify that I will be responsible for overseeing that the property is removed for disposal. The records listed below contain a description of the property to be disposed of by landfill.

TYPE OF PROPERTY

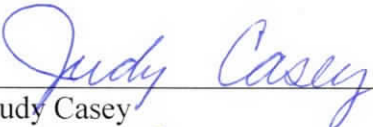
VIN OR SERIAL NUMBER

19 FOLDING TABLES

NONE


3 TABLE CARTS

NONE



Judy Casey

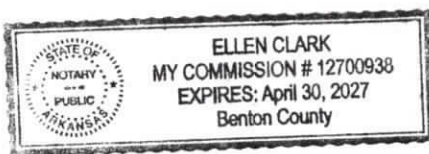
Date: 11/20/19



Notary Public

Date: 11-20-19

Commission Expires: 4-30-27



ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-2 TO RMF-12B, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for RMF-12B than C-2 zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as RMF-10B and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned RMF-12B:

PARCEL #02-00947-000

A PART OF THE SE1/4 OF THE NE1/4 OF SECTION 11, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A PK NAIL FOUND AT THE NE CORNER OF SAID SE1/4 OF THE NE1/4; THENCE ALONG THE EAST LINE OF SAID SE1/4 OF THE NE1/4 S02°26'58"W 198.25 FEET; THENCE N87°30'02"W 180.00 FEET TO THE POINT OF BEGINNING; THENCE S02°26'58"W 275.00 FEET; THENCE N87°30'02"W 20.14 FEET TO AN IRON PIN FOUND; THENCE S02°28'12"W 206.80 FEET, THENCE N87°30'11"W 259.64 FEET; THENCE N02°20'47"E 651.16 FEET TO THE SOUTH RIGHT OF WAY LINE OF W. PERSIMMON STREET; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE S87°21'53"E 242.66 FEET; THENCE S02°20'47"W 168.87 FEET; THENCE S87°39'13"E 38.06 FEET TO THE POINT OF BEGINNING, CONTAINING 3.95 ACRES, MORE OR LESS.

LAYMAN'S DESCRIPTION: 410 N. 13TH STREET; ALONG THE SOUTH SIDE OF W. PERSIMMON STREET ON THE SOUTHWEST CORNER OF THE N. 13TH STREET INTERSECTION.

SECTION 3: Zoning. That the above described lands are better suited for RMF-12B than a C-2 zoning and same should be and are hereby zoned RMF-12B.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between Jeremy Avance and the City of Rogers, as approved by the Rogers Planning Commission on November 19, 2019, is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same.

SECTION 5: Emergency clause. That because the City is herein zoning property which is subject to a present use and said use should be brought into conformity with the zoning laws of the City of Rogers, Arkansas, an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 6: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided

to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 7: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS _____ DAY OF _____, 2019.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

JENNIFER MOORE
RECORDS ADMINISTRATOR

C. GREG HINES, MAYOR

For Consideration by: Community Environment and Welfare Committee

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM RSF-5 TO NR, ACCEPTING THE DENSITY CONCEPT PLAN, PROVIDING
FOR THE
EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on November 19, 2019, the City Council has found that certain lands hereinafter described are better suited for NR zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Rogers Code Section 14-675 should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as NR, and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

TRACT 1: LOT 9 A, MONTE NE TERRACE, UNIT ONE, BENTON COUNTY, ARKANSAS, AS SHOWN ON THE REPLAT OF LOT 9, MONTE NE TERRACE UNIT ONE INTO LOT 9A, MONTE NE TERRACE UNIT ONE, AS SHOWN ON PLAT BOOK 2003, PAGE 897, AND IS MORE PARTICULARLY DESCRIBED AS: ALL OF LOT 9, MONTE NE TERRACE, UNIT ONE, A SUBDIVISION TO ROGERS, ARKANSAS, PER THE PLAT OF SAID SUBDIVISION ON FILE IN PLAT RECORD "E" AT PAGE 84 IN THE OFFICE OF CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, AND PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 29 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 8 OF THE SAID MONTE NE TERRACE, UNIT ONE; THENCE ALONG THE RIGHT-OF-WAY OF A PUBLIC ROAD S 8°15'00" W 201.16 FEET; THENCE LEAVING SAID RIGHT-OF-WAY S 89°50'31" W 146.75 FEET; THENCE N 1°52'26" W 199.09 FEET TO THE SOUTH LINE OF SAID LOT 8; THENCE ALONG SAID SOUTH LINE N 89°50'31" E 182.13 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHT-OF-WAY OF AN UNDEVELOPED STREET SHOWN ON THE SAID PLAT OF MONTE NE TERRACE, UNIT ONE, AND DESCRIBED AS BEGINNING S 8°15'00" W 86.20 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 8; SAID BEGINNING POINT BEING THE BEGINNING OF A 25' RADIUS CURVE TO THE RIGHT, THENCE ALONG SAID CURVE AN ARC DISTANCE OF 42.94 FEET; THENCE S 89°50'31" W 137.57' FEET; THENCE S 01°52'26" E 50.02' FEET; THENCE N 89° 50'13" E 128.68' FEET TO THE BEGINNING OF A 25 FOOT RADIUS CURVE TO THE RIGHT; THENCE ALONG SAID CURVE AND ARC DISTANCE OF 35.60 FEET; THENCE N 08°15'00" E 100.54' FEET TO THE POINT OF BEGINNING.

TRACT 2: A PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 29 WEST, OF BENTON COUNTY ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SE CORNER OF LOT 8 OF MONTE NE TERRACE UNIT ONE THENCE S 6 DEG. 15'00" W 201.16 FEET, THENCE N 89 DEG. 50' 15" E 42.13 FEET, FOR THE POINT OF BEGINNING; THENCE S 8 DEG. 03'11" W 73.29 FEET, THENCE N 89 DEG. 58'00" W 176.26 FEET THENCE N 1 DEG. 52' 26" W 71.97 FEET, THENCE N 89 DEG. 50' 15" E 146.75 FEET, TO THE POINT OF BEGINNING CONTAINING .30 ACRES MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

TRACT 3: A PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 29 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NW CORNER OF SAID SW 1/4, SE 1/4, SECTION 18, RUN THENCE EAST 425.8 FEET; THENCE SOUTH 344.8 FEET TO THE POINT OF BEGINNING; THENCE N 89°53'15" E 369.52 FEET; THENCE S 01°52'26" E 271.06 FEET; THENCE S 89°58'00" W 113.48 FEET; THENCE S 00°00'00" E 225.36 FEET; THENCE S 89°58'00" E 257.87 FEET TO THE CENTERLINE OF MONTE NE ROAD; THENCE S 08°03'00" W 109.00 FEET; THENCE LEAVING SAID CENTERLINE N 89°13'04"W 277.60 FEET TO A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 254.70 FEET, A RADIUS OF 600.00 FEET, A CHORD BEARING OF N 65°32' W, AND A CHORD DISTANCE OF 252.8 FEET; THENCE N 00°06'08" W 494.19 FEET TO THE POINT OF BEGINNING, CONTAINING 5 ACRES, MORE OR LESS AND BEING SUBJECT TO MONTE NE ROAD ON THE EAST SIDE.

LAYMAN'S DESCRIPTION:1800 S. Monte Ne Road, Rogers, Arkansas

SECTION 3: Zoning. That the above described lands are better suited for NR than RSF-5 zoning and same should be and are hereby zoned NR.

SECTION 4: Density Concept Plan. That the Density Concept Plan entered into by and between D & C Holdings, LLC., and the City of Rogers, as approved by the Rogers Planning Commission on November 19th, 2019, is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same.

SECTION 5 Emergency clause. That because the City is herein zoning property which is subject to a present use and said use should be brought into conformity with the zoning laws of the City of Rogers, Arkansas, an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 6: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 7: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this ____ day of November, 2019.

ROGERS, ARKANSAS

ATTEST:

APPROVED:

JENNIFER MOORE
RECORDS ADMINISTRATOR

C. GREG HINES, MAYOR

For Consideration by: Community Environment and Welfare Committee